
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MILTON D. STEPHENSON,

Plaintiff,

versus

LARRY'S FRENCH MARKET,
LARRY U.P. and U.P. SMITH,

Defendants.

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CIVIL ACTION NO. 1:05-CV-03

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court referred this case to the Honorable Earl S. Hines, United States magistrate judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence.

The magistrate judge recommended that *pro se* plaintiff's action be dismissed as frivolous and for failure to state a claim upon which relief can be granted. No objections have been filed.

The court has considered the magistrate judge's report and concludes that the findings of fact and conclusions of law of the magistrate judge are correct. Accordingly, the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that plaintiff's action is **DISMISSED** as frivolous and for failure to state a claim upon which relief can be granted. It is further

ORDERED that the reference to the magistrate judge is **VACATED**.

The court will enter final judgment separately.

SIGNED at Beaumont, Texas, this 13th day of June, 2006.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE